

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TIMOTHY NIVER, HEATH TUBBS, and:  
JUSTYN A. GRIMSLEY, individually and:  
on behalf of all persons similarly situated, :

Plaintiffs, :

v. :

SPECIALTY OILFIELD SOLUTIONS, :  
LTD., CALUMET SPECIALTY :  
PRODUCTS PARTNERS, L.P., and :  
ANCHOR DRILLING FLUIDS USA, INC., :

Defendants. :

**Civ. A. No. 14-1599**

**ORDER**

AND NOW, this 7th day of October, 2015, upon consideration of plaintiffs' unopposed motion for final approval of the settlement agreement, the court HEREBY GRANTS the motion and ORDERS as follows:

1. the parties' Settlement Agreement is finally approved as fair, reasonable and adequate, and a fair and reasonable resolution of a *bona fide* dispute;

2. the following Settlement Class is finally certified pursuant to 29 U.S.C. § 216(b):

All current or former employees of Specialty Oilfield Solutions, Ltd., Calumet Specialty Products Partners, L.P., and Anchor Drilling Fluids USA, Inc., who performed work as Solids Control Technicians (also known as "Dewatering Technicians") for any one of the Defendants in the United States between between November 21, 2011 and July 13, 2015;

3. the following State Law Settlement Class is finally certified pursuant to Fed. R. Civ. P. 23(a) and (b)(3):

All current or former employees of Specialty Oilfield Solutions, Ltd., Calumet Specialty Products Partners, L.P., and Anchor Drilling Fluids USA, Inc., who

performed work as Solids Control Technicians (also known as “Dewatering Technicians”) for any one of the Defendants in Pennsylvania and/or Ohio at any time between November 21, 2010 and July 13, 2015 unless removed from the State Settlement Class by either (a) (a) timely opting out of the Settlement or (b) being identified by the Settlement Administrator as having his/her Notice of Settlement returned as undeliverable (and not subsequently delivered prior to the Notice Deadline following the Settlement Administrator’s reasonable efforts);

4. plaintiffs Timothy Niver, Heath Tubbs, and Justyn Grimsley are finally approved as the representatives of the Settlement Classes, and the proposed service awards in the amount of \$10,000.00 to Mr. Niver and \$5,000.00 each to Mr. Tubbs and Mr. Grimsley for their service to the Class and in exchange for their additional released claims in favor of Defendants is approved;

5. Berger & Montague, P.C. is approved as Class Counsel for the Settlement Classes;

6. plaintiff’s unopposed motion for approval of attorneys’ fees and costs is granted, and payment of attorneys’ fees in the amount of \$700,000.00 and costs in the amount of \$15,336.86 are finally approved;

7. Angeion Group LLC is finally approved as the Settlement Administrator and the costs of claims administration not to exceed \$17,500.00 are approved;

8. the court hereby enters final judgment in this case and dismisses it with prejudice in accordance with the terms of the Settlement Agreement. The Clerk of the Court shall enter this final judgment forthwith pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

9. without affecting the finality of this final judgment in any way, the court reserves exclusive and continuing jurisdiction over this action, the named plaintiffs, the certified

classes, and defendants for purposes of supervising the implementation and enforcement of the Settlement Agreement, this order, and all settlement administration matters.

It is so ordered.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
Chief United States District  
Judge